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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/629,041

07/31/2000

Robert D. Thompson

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08/08/2003

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EXAMINER

KAO, CHIH CHENG G

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,041

Applicant(s)

THOMPSON, ROBERT D. 

Examiner

Chih-Cheng Glen Kao

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☒ Claim(s) 11 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 15-19 have been renumbered 16-20 respectively in numerical order. The claims have been treated as such in this Office Action.

2. Claim 11 is objected to for minor informalities, which appear to be draft errors. Claim 11, line 3, recites "the scanning system". This objection may be obviated by replacing "scanning" with - -image capture- -. For purposes of examination, the claim will be treated as such. Appropriate correction is required.

3. Claim 20 is objected to for minor informalities, which appear to be grammatical errors. Claim 20, line 1 recites "condition is a an". This objection may be obviated by deleting "a". For purposes of examination, the claim will be treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2882

4. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Claim 11 is indefinite because there is no relationship between the operational data that was retrieved and how the data is to be used in the method for performing a calibration. Claims 12-20 are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blitz et al. (US Patent 5170267) in view of Stoffel (US Patent 4404597).

6. With regards to claim 11, Blitz et al. discloses a method comprising in response to a condition recognized by the image capture system (Fig. 4, "Start"), retrieving operation data from memory (col. 3, lines 40-45), evaluating data from an operational sensor of the image capture system (Abstract, lines 6-9), determining that an operational condition is not within a norm (Abstract, lines 9-15), and issuing a control command to adjust the operational condition (Abstract, lines 11-15).

However, Blitz et al. does not disclose operational data restricted to data from previous scans and calibrations for adjusting an operational condition.

Stoffel teaches operational data restricted to data from previous scans and calibrations for adjusting an operational condition (col. 3, lines 23-30).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have operational data from previous scan and calibrations of Stoffel with the method of Blitz et al., since one would be motivated to use this for accommodating variations in illumination intensity as shown by Stoffel (col. 3, lines 23-30).

7. With regards to claim 15, Blitz et al. further discloses the operational condition as lamp uniformity (col. 1, lines 29-31, and col. 4, lines 1-20).

8. With regards to claim 16, Blitz et al. further discloses a connection of a cable (Fig. 2, connection between #6 and 7). The connection of a cable needs to be a recognized condition; otherwise, the program would fail to operate.

9. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blitz et al. in view of Stoffel as applied to claim 11 above, and further in view of Selby et al. (US Patent 6038038).

Blitz et al. in view of Stoffel suggests a method as recited above.

However, Blitz et al. does not disclose the operational condition as a gain of a CCD amplifier nor DC offset.

Selby et al. teaches the operational condition as a gain of a CCD amplifier (col. 1, lines 16-29) and DC offset (Title and col. 6, lines 35-40).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have the condition as a CCD gain and DC offset of Selby et al. with the suggested method of Blitz et al. in view of Stoffel, since one would be motivated to use this for correcting non-uniformities in image scanning as shown by Selby et al. (col. 1, lines 16-29).

10. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blitz et al. in view of Stoffel as applied to claim 11 above, and further in view of Tsai (US Patent 6529292).

Blitz et al. in view of Stoffel suggests a method as recited above.

However, Blitz et al. does not disclose the operational or recognized conditions as a home position and home position failure.

Tsai teaches the operational and recognized conditions as a home position (Title, Abstract, and col. 1, lines 53-58) and home position failure (col. 5, lines 4-13).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have the conditions as home position and home position failure of Tsai with the suggested method of Blitz et al. in view of Stoffel, since one would be motivated to use this for proper function of the optical module and preventing a sufferance in quality of the scanned image as shown by Tsai (col. 1, lines 32-36).

Art Unit: 2882

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blitz et al. in view of Stoffel as applied to claim 16 above, and further in view of McVicar (US Patent 5864410).

Blitz et al. in view of Stoffel suggests a method as recited above.

However, Blitz et al. does not disclose a universal serial bus cable.

McVicar teaches a universal serial bus cable (col. 2, lines 13-24).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have the universal serial bus cable of McVicar with the suggested method of Blitz et al. in view of Stoffel, since one would be motivated to incorporate this as a peripheral connection point for data communication connections (col. 2, lines 13-15).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blitz et al. in view of Stoffel as applied to claim 11 above, and further in view of Gusmano et al. (US Patent 5519441).

Blitz et al. in view of Stoffel suggests a method as recited above.

However, Blitz et al. does not disclose a recognized condition as lamp temperature.

Gusmano et al. teaches a recognized condition as lamp temperature (col. 3, lines 32-41).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have the lamp temperature condition of Gusmano et al. with the suggested method of Blitz et al. in view of Stoffel, since one would be motivated to use this to address problems of drift in offset as shown by Gusmano et al. (col. 3, lines 32-41).

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blitz et al. in view of Stoffel as applied to claim 11 above, and further in view of Smyth (US Patent 4980759).

Blitz et al. in view of Stoffel suggests a method as recited above.

However, Blitz et al. does not disclose a recognized condition as exposure balance between color channels.

Smyth teaches a condition as exposure balance between colors (Title, col. 1, lines 64-69, and col. 2, lines 17-26).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have a color balance condition of Smyth with the suggested method of Blitz et al. in view of Stoffel, since one would be motivated to use this to compensate for intensity and color temperature variation as shown by Smyth (col. 1, lines 5-10).

Response to Arguments

14. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2882

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (703) 605-5298. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (703) 308-4858. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



gk
July 22, 2003



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Supervising Patent Examiner
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